

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 15 AM 10:13

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Pilar PEREZ-Lopez,

Defendant

) Magistrate Docket No.

) '08 MJ 2158

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the

) United States

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

27 Ag
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 14, 2008** within the Southern District of California, defendant, **Jose Pilar PEREZ-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.


And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF JULY, 2008



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Pilar PEREZ-Lopez****PROBABLE CAUSE STATEMENT**

On July 14, 2008, at approximately 3:15 AM, Border Patrol Agent M. Lopez was performing line watch duties in the Imperial Beach Border Patrol Station's area of responsibility. Agent Lopez was notified via radio that a possible illegal alien was "low crawling" in an area which is approximately two miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the International Boundary.

Agent Lopez responded location and found an individual attempting to conceal himself inside some dense brush. Agent Lopez identified himself as a United States Border Patrol Agent and ordered the subject to come out of the brush. Agent Lopez then questioned the subject later identified as the defendant **Jose Pilar PEREZ-Lopez**, as to his citizenship and immigration status. The defendant admitted to being a citizen of Mexico and entered illegally. At approximately 3:25 AM, Agent Lopez arrested the defendant and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 1, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally. The defendant again admitted to entering the United States illegally on July 14, 2008, and was traveling to Pomona, California.